MEMORANDUM MARCH 11, 1993

TO: BOSTON REDEVELOPMENT AUTHORITY AND
PAUL L. BARRETT, DIRECTOR

FROM: LINDA MONGELLI HAAR, ASSISTANT DIRECTOR FOR NEIGHBORHOOD PLANNING AND ZONING
RICHARD J. SHAKLIK, PLANNER

SUBJECT: PUBLIC HEARING REGARDING PROPOSED PERMANENT ZONING FOR THE NORTH END (ARTICLE 54)

SUMMARY: PUBLIC HEARING REGARDING REQUEST FOR AUTHORIZATION TO PETITION THE ZONING COMMISSION TO ADOPT ARTICLE 54, NORTH END NEIGHBORHOOD DISTRICT ZONING.

The North End rezoning process was initiated in 1989 with the formation of the Zoning Subcommittee of the North End/Waterfront Neighborhood Council. Since that time an extensive planning process has been undertaken, with the Council holding 50 open public meetings to discuss and address a variety of issues facing the North End community including housing, commercial growth and stabilization, transportation and open space systems, and neighborhood design.

The proposed North End Neighborhood District Zoning (Article 54) is the result of a three year, long-range planning effort which codifies the community's aspirations for their neighborhood. The proposed zoning has been developed with the extensive participation of the North End//Waterfront Neighborhood Council, business groups, and residents. Discussions have been held in the neighborhood and among business interests to solicit community input and comment on the document. Extensive outreach has been conducted through newspaper articles, meeting notifications and direct mailings to ensure the broadest possible involvement of the community and business interests in the process.

North End Issues

The North End is Boston's oldest, most historic residential neighborhood. It is also one of Boston's most densely developed neighborhoods and faces many of the challenges of other downtown neighborhoods. These include traffic congestion and inadequate parking, lack of affordable housing, limited open space resources, maintenance of commercial vitality, and protection of residential neighborhood quality.

The following is a summary of the major issues discussed during the process of developing the proposed North End Neighborhood District zoning:

Residential Development - Increases in density resulting from subdividing existing apartments, construction of new basement units, additions, and new construction, have created various problems in the North End including increased on-street parking demand and decreased open space around buildings. During the height of the real estate boom, in particular, conversion of rental housing to condominiums and increasing rents were a major concern.

Open Space - Park and recreation areas are limited in the densely developed North End. Existing open space has been threatened by the adverse impacts of new development, such as shadows and wind. Visual and physical access to the waterfront for neighborhood residents, historically limited, has increased in recent years with new park construction. Additional open space improvements should result with the recently enacted Harborpark zoning.

Commercial Districts - The North End's commercial districts provide the neighborhood with convenient access to stores and services, jobs, opportunities for community interaction, and help establish the neighborhood's special identity. As the population of the neighborhood declined and shopping habits changed with reliance on the automobile and suburban shopping centers, the vitality of the North End's commercial areas declined and many retail establishments closed. The expansion of non-commercial uses in prime retail districts has reduced their vitality.

Neighborhood Character - The distinct architectural character of the North End including moderate building heights, compatible building materials, and uniform lot setbacks has been threatened with some of the new construction and renovation in the last two decades.

Traffic and Parking - Traffic congestion and parking shortages in the North End result from the neighborhood's proximity to the downtown and major traffic generators and its dense development character. Limited off-street parking in the North End and parking demand generated by the neighborhood's restaurants and tourist sites magnify traffic and parking problems.

Manufacturing Districts - The North End has four districts zoned for manufacturing uses although almost all of the land is used for commercial and residential purposes.

Planning and Zoning Goals

The proposed North End Neighborhood District zoning envisions the conservation of the North End as an attractive, stable residential neighborhood with vibrant commercial districts, attractive parks and adequate community services. In response to issues concerning residential development, open space, commercial districts, transportation and

parking, and neighborhood appearance, the following goals were articulated during the rezoning process:

- Protect existing housing units and residential areas;
- Increase supply of affordable housing;
- Expand and improve open space areas and opportunities;
- Preserve and improve visual and physical access to the waterfront;
- Protect and strengthen major commercial districts
- Encourage commercial uses that are compatible with residential areas;
- Increase supply of off-street parking;
- Improve mass transit access;
- Intensify traffic and parking enforcement;
- Protect historic buildings and areas;
- Encourage compatible new construction and rehabilitation; and
- Rezone manufacturing districts.

North End Zoning

The North End Neighborhood District zoning addresses the unique characteristics of the North End and the desire to balance the needs of residential and commercial land uses while maintaining environmental quality.

The proposed North End Neighborhood District Zoning Article provides a means for attaining the community's vision for the North End by establishing legal parameters of land uses, densities, and design for future development. The zoning establishes new residential, commercial, and open space zoning subdistricts and a new zoning map to achieve the land use goals developed by the community.

Height and Density - The 55-foot height limit and the provisions of the Restricted Roof Structure Overlay District are maintained in the proposed North End Neighborhood District zoning. A uniform Floor Area Ratio (FAR) of 3 is proposed for the entire neighborhood district. With the exception of several manufacturing and commercial districts, most of the neighborhood presently has an FAR of 3.

Neighborhood Business - The North End Neighborhood District zoning replaces existing local and general business districts with three new mixed commercial-residential districts. These new districts include Multifamily Residential/Local Services, Neighborhood Shopping and Community Commercial Subdistricts. Multifamily Residential/Local Services Subdistricts allow limited small scale commercial uses on the ground floor to serve the immediate neighborhood; Neighborhood Shopping Subdistricts are generally linear shopping streets that provide convenience goods and services to the neighborhood with residential uses on the upper floors; and Community Commercial Subdistricts provide a diversified commercial environment serving larger markets with eating, drinking, entertainment and financial services generally confined to the lower floors.

Multifamily Residential/Local Services Subdistricts are proposed along several major streets in the neighborhood including parts of Commercial, Hanover, Salem and Prince Streets. Much of Salem Street and portions of the Waterfront area are designated Neighborhood Shopping Subdistricts. Community Commercial Subdistricts are located on Hanover Street and North Washington Street.

Open Space - The open space subdistricts are proposed for the North End to protect and conserve open space and create subdistricts for passive and active recreational uses. Open space subdistricts included in the North End Neighborhood District include the Cemetery Open Space Subdistrict, Recreation Open Space Subdistricts and Parkland Open Space Subdistricts.

Residential - Most of the North End Neighborhood District is proposed as a Multifamily Residential Subdistrict. This district encourages development that is consistent with existing North End residential neighborhoods. The mixed residential-commercial character of many of the neighborhood's major streets is encouraged by the new commercial zoning districts.

Neighborhood Design and Development - In order to ensure that growth in the North End Neighborhood District is compatible with the character of the buildings and landscape, and that new development is of a quality that enhances the neighborhood visually and economically, design and development review is proposed for certain projects as follows:

- Proposed projects with a gross floor area of 25,000 square feet or more will be subject to the development review requirements of Article 31.

- Proposed projects subject to design review by the Boston Redevelopment Authority include those in excess of 10,000 square feet, projects located in the Freedom Trail Neighborhood Design Overlay District, and projects requiring zoning relief that include exterior alterations affecting 200 square feet or more of a facade visible from a public way.

Central Artery Area - The Central Artery area adjacent to the North End is subject to the provisions of the Central Artery Special District, and to the Central Artery Plan which addresses the following redevelopment issues:

- Development of open space to enhance the quality of life in the city

- Establishment of new development which is consistent with the historic and architectural context of the adjacent neighborhoods

- Promotion of an appropriate mix of land uses to accomplish these objectives

The Central Artery parcels adjacent to the North End which include parcels 4, 5, 6, 8, 10, 11, 11A, and 12 are also subject to Roof Structure and Building Height Restrictions of the North End Neighborhood District. Parcels 11 and 11A are also subject to the North End Design Guidelines.

BRA staff respectfully request that the Board petition the Zoning Commission to adopt Article 54, text and map amendments.

An appropriate vote follows:

VOTED: That the Director is authorized to petition the Zoning Commission to adopt Article 54 (North End Neighborhood District) text and map amendments in substantial accordance with the amendments submitted at the BRA Board meeting of March 11, 1993.

PROPOSED NORTH END NEIGHBORHOOD DISTRICT

Text Amendment Application No.
Boston Redevelopment Authority
North End Neighborhood District

TO THE ZONING COMMISSION OF THE CITY OF BOSTON:

The Boston Redevelopment Authority petitions to amend the text of the Boston Zoning Code, as established under Chapter 665 of the Acts of 1956 as amended, as follows.

By inserting, after Article 53, the following article:

ARTICLE 54

NORTH END NEIGHBORHOOD DISTRICT

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SECTION 54-1. **Statement of Purpose, Goals, and Objectives**. The purpose of this Article is to establish the zoning regulations for a neighborhood plan for the North End Neighborhood District. The goals and objectives of this Article and the North End Neighborhood Plan are to manage the future development of the North End for the benefit of the inhabitants of the North End and Boston; to preserve and enhance the North End neighborhood; to conserve the value of land and buildings; to encourage the most appropriate use of land throughout the North End neighborhood; to lessen congestion in the streets; to provide adequate light and air, and to prevent overcrowding of land; to promote appropriate economic development for the benefit of

residents; to promote residential development that is affordable to all segments of the community, particularly low and moderate income residents; to discourage displacement of residents; to preserve, enhance, and create open space to be enjoyed by residents; and to promote the public safety, health and welfare of the people of Boston.

SECTION 54-2. **Recognition of the North End Neighborhood Plan**. The Commission shall recognize the North End Neighborhood Plan, when adopted by the Boston Redevelopment Authority, as the general plan for the North End Neighborhood District. The North End Neighborhood Plan also shall serve as the portion of the general plan for the City of Boston applicable to the North End Neighborhood District. This Article is an integral part of, and one of the means of implementing, the North End Neighborhood Plan, the preparation of which is pursuant to Section 70 of Chapter 41 of the General Laws, Section 652 of the Acts of 1960, and Section 3 of Chapter 4 of the Ordinances of 1952.

SECTION 54-3. **Physical Boundaries**. The provisions of this Article are applicable only in the North End Neighborhood District. The boundaries of the North End Neighborhood District and its subdistricts are as shown on the map numbered 1I and entitled "North End Neighborhood District" (supplemental to "Map 1 Boston Proper") of the series of maps entitled "Zoning Districts City of Boston," as amended.

SECTION 54-4. **Applicability**. This Article, together with the rest of this Code, constitutes the zoning regulation for the North End Neighborhood District and applies as specified in Section 4-1 regarding the conformity of buildings and land to this Code. Zoning relief in the form of exceptions from the provisions of this Article pursuant to Article 6A is not available, except to the extent expressly provided in this Article or in Article 6A. Where conflicts exist between the provisions of this Article and the remainder of the Code, the provisions of this Article shall govern, except as otherwise expressly provided in Section 54-6 (North End/Central Artery Area). Except where specifically indicated in this Article, the provisions of this Article supersede Section 8-7, and Articles 13 through 24 of this Code for the North End Neighborhood District. A Proposed Project shall be exempt from the provisions of this Article, and shall be governed by the rest of this Code, if application to the Inspectional Services Department for a building or use permit has been made prior to the first notice of hearing before the Zoning Commission for adoption of this Article, and (1) no Zoning Relief is required, or (2) any required Zoning Relief has been or thereafter is granted by the Board of Appeal; provided that construction work under such building permit, or occupancy under such occupancy permit, as the case may be, is commenced within six (6) months of the date of such permit and proceeds in good faith continuously so far as is reasonably practicable under the circumstances.

SECTION 54-5. **Prohibition of Planned Development Areas**. Within the North End Neighborhood District, no Planned Development Area shall be permitted.

SECTION 54-6. **North End/Central Artery Area.** The North End/Central Artery Area is shown on "Map 1Xa" and "Map 1Xb," both entitled "Central Artery Special District (supplemental to 'Map 1, Boston Proper')," of the series of maps entitled "Zoning Districts City of Boston," as amended, and is further described in Article 49.

Notwithstanding any contrary provision of this Article, the North End/Central Artery Area is governed by the applicable use, dimensional, and other requirements of Article 49, Central Artery Special District. The provisions of Sections 54-9 and 54-10 (Use and Dimensional Regulations in Residential Subdistricts), Sections 54-12 and 54-13 (Use and Dimensional Regulations in Neighborhood Business Subdistricts), Section 54-19 (Specific Design Requirements), and Section 54-21 (Off-Street Parking and Loading Requirements) are not applicable in the North End/Central Artery Area. All other provisions of this Article are applicable within the North End/Central Artery Area, in addition to the provisions of Article 49, except that the provisions of Section 54-17 (Design Review) shall apply only within that portion of the North End/Central Artery Area identified in Article 49 as Parcels 11 and 11A. Where conflicts exist between the provisions of this Article and those of Article 49, the provisions of Article 49 shall govern, except that the provisions of Section 54-18 (Roof Structure and Building Height Restrictions) shall apply to all parcels within the North End/Central Artery Area, superseding Section 16-8 (Restricted Roof Structure Districts), notwithstanding any contrary provision of Article 49.

The Central Artery Special District Plan, as that term is defined in Article 49, shall be part of the general plan for the North End Neighborhood District as it applies to the North End/Central Artery Area.

SECTION 54-7. **Community Participation.** This Article has been developed with the extensive participation of the residents and business community of the North End Neighborhood. The role of community participation in determining appropriate land use regulations and zoning is critical to the success of any zoning article or development plan. To continue that role, the North End/Waterfront Neighborhood Council, or its successor organization, if any, and the North End's civic associations, residents, and business and trade groups, shall continue to play an ongoing role in advising the City on land use planning for the North End.

REGULATIONS APPLICABLE IN RESIDENTIAL SUBDISTRICTS

SECTION 54-8. **Establishment of Residential Subdistricts.** This Section 54-8 establishes Residential Subdistricts within the North End Neighborhood District. The purpose of the Residential Subdistricts is to maintain, enhance, and promote the character of residential neighborhoods in terms of density, housing type, and design; and to provide for low- and medium-density multifamily housing appropriate to the existing built environment; and to encourage appropriate development that enhances the Residential Subdistricts while preventing overdevelopment.

The following Residential Subdistricts are established:

1. Multifamily Residential ("MFR") Subdistricts. The Multifamily Residential Subdistricts are established to encourage medium-density multifamily areas with a variety of allowed housing types, including one-, two- and three-family Dwellings, Row Houses, Town Houses, and Multifamily Dwellings.

2. Multifamily Residential/Local Services ("MFR/LS") Subdistricts. The Multifamily Residential/Local Services ("MFR/LS") Subdistricts are established to encourage medium-density multifamily areas with a variety of allowed housing types, including one-, two-, and three-family Dwellings, Row Houses, Town Houses, Multifamily Dwellings and ground floor commercial uses.

SECTION 54-9. **Use Regulations Applicable in Residential Subdistricts.** Within the Residential Subdistricts, no land or Structure shall be erected, used, or

arranged or designed to be used, in whole or in part, unless, for the proposed location of such use, the use is identified in Table A of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table A is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table A for the proposed location of such use is forbidden in such location. Any use not included in Table A is forbidden in the Residential Subdistricts.

SECTION 54-10. **Dimensional Regulations Applicable in Residential Subdistricts**.

1. Lot Area, Lot Width, Lot Frontage, Usable Open Space, Yard, Building Height, and FAR Requirements. The minimum allowed Lot Area, Lot Width, Lot Frontage, Usable Open Space per Dwelling Unit, Front Yard, Side Yard, and Rear Yard for any Lot in a Residential Subdistrict, and the maximum allowed Building Height and Floor Area Ratio for such Lot, are set forth in Table C of this Article.

2. Location of Parking. Accessory off-street parking in Residential Subdistricts shall not be located in any part of a Front Yard required by this Article.

3. Location of Main Entrance. Within the Residential Subdistricts, the main entrance of a Dwelling shall face the Front Lot Line; provided that within

the MFR/LS Subdistricts, any entrance to a Dwelling located above a ground floor nonresidential use may face the side or rear Lot Line.

REGULATIONS APPLICABLE IN NEIGHBORHOOD BUSINESS SUBDISTRICTS

SECTION 54-11. **Establishment of Neighborhood Business Subdistricts.** This Section 54-11 establishes Neighborhood Business Subdistricts within the North End Neighborhood District. There are two types of Neighborhood Business Subdistricts: Neighborhood Shopping ("NS") Subdistricts, which encourage smaller retail and community uses that serve the residents of the North End Neighborhood District, and Community Commercial ("CC") Subdistricts providing a diversified commercial environment serving larger markets. Both types of Neighborhood Business Subdistricts encourage the development of neighborhood businesses that provide essential goods and services as well as jobs and entrepreneurial opportunities for the North End community.

The following Neighborhood Business Subdistricts are established:

1. Salem Street Neighborhood Shopping (NS) Subdistrict
2. Mercantile Neighborhood Shopping (NS) Subdistrict
3. Commercial Wharf Neighborhood Shopping (NS) Subdistrict
4. Waterfront Neighborhood Shopping (NS) Subdistrict
5. Hanover Street Community Commercial (CC) Subdistrict
6. North Washington Street Community Commercial (CC) Subdistrict.

SECTION 54-12. **Use Regulations Applicable in Neighborhood Business Subdistricts.** Within the Neighborhood Business Subdistricts, no land or Structure shall be erected, used, or arranged or designed to be used, in whole or in part,

unless, for the proposed location of such use, the use is identified in Table B of this Article as "A" (allowed) or as "C" (conditional). Any use identified as conditional in Table B is subject to the provisions of Article 6. Any use identified as "F" (forbidden) in Table B for the proposed location of such use is forbidden in such location. Any use not included in Table B is forbidden in the Neighborhood Business Subdistricts.

SECTION 54-13. **Dimensional Regulations Applicable in Neighborhood Business Subdistricts**. The minimum allowed Lot Size, Lot Width, Lot Frontage, Front Yard, Side Yard, Rear Yard, and Usable Open Space required for any Lot in a Neighborhood Business Subdistrict, and the maximum allowed Floor Area Ratio and Building Height for such Lot, are set forth in Table D of this Article.

REGULATIONS APPLICABLE IN OPEN SPACE SUBDISTRICTS

SECTION 54-14. **Establishment of Open Space Subdistricts**. This Section 54-14 establishes Open Space ("OS") Subdistricts in the North End Neighborhood District as indicated in Table 1, below. The purpose of the Open Space Subdistricts is to enhance the quality of life for North End residents by protecting open space resources. Any Lot within any Open Space Subdistrict is subject to the applicable provisions of this Code, including without limitation Article 33 (Open Space Subdistricts).

1. Cemetery Open Space (OS-CM) Subdistrict. Cemetery Open Space Subdistricts are designated for interment uses, and are subject to the provisions of Section 33-14.

2. Parkland Open Space (OS-P) Subdistrict. Parkland Open Space Subdistricts shall consist of land appropriate for passive recreational uses, including walkways, picnic areas, and sitting areas. Such land may include Vacant Public Land. Parkland Open Space Subdistricts are subject to the provisions of Section 33-9.

3. Recreation Open Space (OS-RC) Subdistrict. Recreation Open Space Subdistricts shall consist of land appropriate for active or passive recreational uses, including walkways, physical education areas, children's play areas, swimming pools, skating rinks, and sporting areas, or a combination thereof, and are subject to the provisions of Section 33-10.

4. Urban Plaza Open Space (OS-UP) Subdistrict. Urban Plaza Open Space Subdistricts shall consist of land appropriate for passive recreational uses; and are subject to the provisions of Section 33-15.

TABLE 1

Open Space Subdistricts in the North End Neighborhood District

Subdistrict Designation	Location/Name
Cemetery	Copps Hill Cemetery
Parkland	Charter Street Playground Copps Hill Terrace Douglas Court Play Area
Recreation	Cutillo Playground Defilippo Playground Foster Street Playground Polcari Playground
Urban Plaza	Rachel Revere Square Paul Revere Mall

REGULATIONS APPLICABLE IN OVERLAY DISTRICT

SECTION 54-15. **Establishment of Freedom Trail Neighborhood Design Overlay District**. This Section 54-15 establishes the Freedom Trail Neighborhood Design Overlay District ("NDOD") as an overlay to residential and commercial subdistricts within the North End Neighborhood District.

The Freedom Trail Neighborhood Design Overlay District is established to protect the existing scale of the area, the quality of the pedestrian environment, the character of the residential/commercial mixed-use neighborhoods, and the concentrations of historic buildings within the area.

Design review regulations applicable within the Freedom Trail Neighborhood Design Overlay District are set forth in Section 54-17. All use, dimensional, and other provisions applicable to the underlying subdistricts are applicable within the Freedom Trail Neighborhood Design Overlay District.

REGULATIONS GOVERNING DEVELOPMENT REVIEW AND DESIGN REVIEW

SECTION 54-16. **Applicability of Article 31 Development Review**. In order to ensure that growth in the North End Neighborhood District is compatible with the character of the buildings and landscape and that new development is of a quality that enhances the neighborhood visually and economically and is not damaging to environmental quality, the provisions of Article 31 (Development Review Requirements) apply to the following Proposed Projects.

Notwithstanding any provision of Section 31-4 to the contrary, the provisions of Article 31 (Development Review Requirements), other than Section 31-3, shall be applicable, except where otherwise specified in this Article, to any Proposed Project to: (a) erect a Building or Structure having a Gross Floor Area of fifty thousand (50,000) or more square feet; or (b) enlarge a Building or Structure so as to increase its Gross Floor Area by fifty thousand (50,000) or more square feet; (c) establish or change the uses of a Gross Floor Area of fifty thousand (50,000) or more square feet; or (d) establish or change to conditional or forbidden uses the uses of a Gross Floor Area of fifty thousand (50,000) or more square feet.

The Commissioner of Inspectional Services shall not issue a building permit for any Proposed Project that is subject to the provisions of this Section 54-16 unless the Director of the Boston Redevelopment Authority has issued a certification of compliance with the applicable provisions of Article 31 and this Section 54-16.

SECTION 54-17. **Design Review.**

1. Applicability of Design Review. The provisions of this Section 54-17 shall apply only to those Proposed Projects specified in this Section 54-17 that are not otherwise subject to Article 31 development review pursuant to Section 54-16 or by election.

The following Proposed Projects are subject to design review by the Boston Redevelopment Authority:

(a) Projects Adding 10,000 Square Feet of Floor Area. Any Proposed Project for the erection or extension of one or more Buildings that results in the addition of an aggregate Gross Floor Area of ten thousand (10,000) or more square feet.

(b) Certain Projects Adding Dwelling Units. Any Proposed Project for the construction of fifteen (15) or more Dwelling Units (but not including rehabilitation or alteration projects unless they result in a net increase of fifteen (15) or more Dwelling Units).

(c) Certain Projects Requiring Zoning Relief. Any Proposed Project requiring zoning relief for the erection or extension of a Building with a Gross Floor Area of two hundred (200) or more square feet, or for an exterior alteration affecting two hundred (200) or more square feet of a Building facade, if such new Building, extension, or facade alteration is visible from any public street or public open space.

(d) Certain Projects in Neighborhood Design Overlay Districts. Within Neighborhood Design Overlay Districts, any exterior alteration changing the roof shape, cornice line, Street Wall height, or Building Height of an existing Building, and any Proposed Project for the erection or extension of a Building with a Gross Floor Area of two hundred (200) or more square feet, or for an exterior alteration to change the Building massing or the size or location of door or window openings, where such exterior alteration affects two hundred (200) or more square feet of a Building facade, if such new Building, extension, or facade alteration is visible from any public street or public open space.

The provisions of this Section 54-17 shall not apply to any Proposed Project that is subject to the jurisdiction of the Boston Landmarks Commission or other architectural board or commission having design review authority and established pursuant to a general or special law of the Commonwealth of Massachusetts.

The Commissioner of the Inspectional Services Department shall not issue a building or use permit for any Proposed Project that is subject to the provisions of this Section 54-17 unless the Director of the Boston Redevelopment Authority has certified that the design for such Proposed Project has been approved by the Boston Redevelopment Authority.

2. Procedure for Design Approval. Each application for a permit for a Proposed Project which is subject to design review by the Boston Redevelopment Authority pursuant to this Section 54-17 shall be filed in triplicate with the Inspectional Services Department, which shall retain one copy for its files and transmit the other two copies to the Boston Redevelopment Authority, which shall transmit one copy to the North End/Waterfront Neighborhood Council or its successor organization, if any. The Boston Redevelopment Authority may find that the Proposed Project is consistent with the guidelines set forth in Section 54-17.4 or is not consistent with those guidelines; provided that if no such findings are transmitted to the Inspectional Services Department within thirty (30) days of the receipt by the Boston Redevelopment Authority of the completed Design Review Application for the Proposed Project, the Proposed Project shall be deemed to be consistent with the guidelines set forth in Section 54-17.4 without need for further action. Any Applicant aggrieved by the denial of any permit by the Inspectional Services Department pursuant to this Section 54-17 may appeal to the Board of Appeal within forty-five (45) days after such denial of a permit, in accordance with the provisions of Article 6.

3. Content of Design Review Application. A Design Review Application shall consist of such plans, drawings, and specifications as are necessary for the Boston Redevelopment Authority to determine that the Proposed Project is

consistent with the guidelines set forth in Section 54-17.4. Such materials shall set forth, for the existing conditions and for the Proposed Project: vehicular access and egress to and from the site; location and dimensions of all buildings, structures, and parking and loading areas; relationships of primary buildings to secondary buildings; landscaping and screening; roof shapes, cornice lines, and roof structures; facade articulation, fenestration, and other architectural features; and proposed sign locations.

4. Design Guidelines. The Boston Redevelopment Authority shall review each Proposed Project that is subject to design review under this Section 54-17 for consistency with the following design guidelines.

   (a) Site planning, including location of buildings, open space, and vehicular access and parking areas, should be designed to enhance the street frontage and surrounding building and spaces.

   (b) Vehicular access and egress to and from a site should minimize traffic impacts on the adjacent roadways and provide safe visual access for drivers and pedestrians.

   (c) Parking, storage, and disposal areas should not be located in the front of buildings, unless there are special circumstances, such as existing building locations or site conditions, that make it necessary. Wherever practicable, such areas should be located behind buildings.

Parking, storage, and disposal areas should be adequately screened from public view by suitable fencing and vegetation.

(d) New or rehabilitated buildings should reflect and complement the patterns of siting and architectural character of the surrounding structures. The removal or alteration of any historic architectural feature should be held to a minimum.

(e) Distinctive features such as the size, scale, mass, color, and building materials should be retained, if possible, when rehabilitating buildings. This should include roofs, roof profiles, existing window and door openings, steps, porches, and other features that give the neighborhood its distinguishing character.

(f) Deteriorated architectural features should be repaired rather than be replaced, wherever possible and appropriate, when rehabilitating buildings. In the event that replacement is necessary, the new material should be compatible with the existing in composition, design, texture, and appearance. Repair or replacement of missing architectural features should be based as much as possible on accurate duplication of original features of the building to be rehabilitated or those of other buildings of the same style and period.

(g) Contemporary design for new structures, or for additions to existing structures, shall not be discouraged, if such design is compatible with the size, material, and character of the existing structure, if any, and the surrounding neighborhood environment. Alterations to create earlier or later appearances are discouraged.

(h) New construction should reflect the traditional location and relationship of buildings on their sites. This includes setback from streets, spacing among buildings, and orientation of openings to the street and neighboring structures. In addition, the location of buildings should respect significant landscape features on the site.

(i) New construction should respect the standards of scale of existing building patterns in order to maintain the neighborhood's special qualities. Overall building massing, relationships of primary buildings to secondary buildings, and landscape elements all should be consistent with the surrounding architecture and environment.

(j) Open spaces, building entrances, shop fronts, shop windows, shop entrances, terraces, gardens, arcades, and similar elements should be designed to enhance pedestrian activity and should encourage an active street life. Blank walls, without windows or entrances facing onto pedestrian areas, should be avoided to the extent practicable in

building designs. The standards of Section 54-19.2 relating to display window area should be observed where practicable and appropriate.

(k) Storefronts should be open and welcoming to the shopper and stroller. Facade treatments, building materials, and design details should be in keeping with the North End's finest commercial architecture. Street Wall continuity should be maintained.

(l) Setbacks, corner treatments, and other design details should be used to minimize the sense of bulk of structures, and ornamental and decorative elements appropriate to the urban context are encouraged.

(m) Roofs of buildings should be designed to minimize the visibility of roof structures and penthouses normally built above the roof and not designed to be used for human occupancy. Specific roof structure restrictions are contained in Section 54-18.

(n) When appropriate, mechanical equipment should be sound insulated to minimize impacts on adjacent Lots.

(o) A clearly defined zone for signs on the building facade should be established, defined by a change in facade color and/or materials, or by an articulation of the facade, and all permanent signs mounted on

the building facade should be located within such sign band. In buildings with multiple stores, the sign band should be subdivided so that each section clearly relates to an individual store. Signs should be designed and located so as not to obscure architectural elements or ornamental details of the building facade. Internally lit signs should be designed so as not to create a hazard or nuisance through excessive brightness, and such signs should be constructed so that bulbs, wires, and other lighting equipment located inside the sign are not visible through the face of the sign.

(p) In addition to the foregoing, design features of a Proposed Project should take into consideration any special characteristics of the site and its location, and should enhance and reinforce any historic qualities of existing structures.

SECTION 54-18. **Roof Structure and Building Height Restrictions**. In the North End Neighborhood District, no roofed structure designed or used for human occupancy, access (except as allowed in following paragraph), or storage, and no roof structure, headhouse, or mechanical equipment normally built above the roof and not designed or used for human occupancy, shall be erected or enlarged on the roof of an existing building if such construction relocates or alters the profile and/or configuration of the roof or mansard, unless after public notice and hearing and subject to Sections 6-2, 6-3, and 6-4, the Board of Appeal grants a conditional use therefor.

An open roof deck may be erected on the main roof of a building with a flat roof or a roof with a slope of less than five (5) degrees, provided that (a) such deck is less than one (1) foot above the highest point of such roof; (b) the total height of the building, including such deck, does not exceed the maximum building height allowed by this Article for the location of the building; (c) access is by roof hatch or bulkhead no more than thirty (30) inches in height above such deck unless, after public notice and hearing and subject to Sections 6-2, 6-3, and 6-4, the Board of Appeal grants permission for a stairway headhouse; and (d) an appurtenant hand rail, balustrade, hatch, or bulkhead is set back horizontally, one (1) foot for each foot of height of such appurtenant structure, from a roof edge that faces a street more than twenty (20) feet wide.

Roof structures, headhouses, and mechanical equipment normally built above the roof and not designed or used for human occupancy shall be included in measuring the building height if the total area of such roof structures, headhouses, and mechanical equipment exceeds in the aggregate: (a) 330 square feet, if the total roof area of the building is 3,300 square feet or less; or (b) ten percent (10%) of the total roof area of the building, if such total roof area is greater than 3,300 square feet.

The height of any building existing as of June 24, 1985 shall determine the allowed building height on that lot subsequent to total or partial demolition or destruction of such building. Any proposed construction on the lot that would exceed the prior height shall require Board of Appeal approval, and shall be subject to the roof structure and building height restrictions of this Section 54-18 and the height limits applicable to the subdistrict in which the lot is located. In making its decision, the

Board of Appeal shall consider whether such roof structure has the potential for significantly restricting light and/or air flow to adjacent structures and/or significantly restricting views from roofs, windows, doors, or balconies. Notwithstanding anything in Article 2A respecting the definition of the term "grade," if a building abuts more than one street, "grade" is the average elevation of the street with the lowest elevation.

SECTION 54-19. **Specific Design Requirements.** Except as otherwise expressly provided in this Article or Code, all Proposed Projects within those subdistricts specified in this Section 54-19 shall comply with the following design requirements, except to the extent that Street Wall and display window requirements have been addressed through Article 31 development review, or through design review pursuant to Section 54-17. The provisions of Article 6A shall be applicable to the provisions of this Section 54-19.

1. Street Wall Continuity in Multifamily Residential/Local Services Subdistricts and Neighborhood Business Subdistricts. This Section 54-19.1 shall apply within the Multifamily Residential/Local Services Subdistricts and the Neighborhood Business Subdistricts to any Proposed Project, except a Proposed Project for a Residential Use, that includes the erection of a new Structure or the extension of an existing Structure, where such extension changes the location of a Street Wall.

   In any Proposed Project that is subject to this Section 54-19.1, each newly constructed or relocated Street Wall shall be built to be coextensive with the Building Line of the Block on which the Street Wall faces. If there

is no determinable Building Line of said Block, then such Street Wall shall be built at a depth from the Street Line equal to that of the Building Line closest to the Street Line of the two blocks adjacent to said Block, facing the same Street.

If there is no determinable Building Line of either of said adjacent blocks, then, notwithstanding any contrary provision of Section 54-17, the Proposed Project shall be deemed to be subject to the design review provisions of Section 54-17 for the limited purpose of determining an appropriate Street Wall location.

Except as otherwise provided in this Section 54-19.1, Street Walls shall be continuous across a Lot. However, design articulation involving deviations from the Street Wall plane of two (2) feet or less shall be permitted across the Street Wall. Larger recesses not exceeding fifteen (15) feet in depth shall be permitted, provided that such recesses do not affect more than fifty percent (50%) of the Street Wall plane. Bay Windows may extend from the Street Wall plane above the Ground Floor Ceiling Height, provided that such Bay Windows do not affect more than forty percent (40%) of the Street Wall plane.

2. Display Window Area Regulations in Multifamily Residential/Local Services Subdistricts and Neighborhood Business Subdistricts. This Section 54-19.2 shall apply in the Multifamily Residential/Local Services Subdistricts and the Neighborhood Business Subdistricts to any Proposed Project for the uses

specified in this Section 54-19.2. For the purposes of these Display Window Area Regulations, the term "Display Window Area" means that area of any Street Wall between Grade and (i) the Ground Floor Ceiling Height (or the roof structure of a one-story structure), or (ii) fourteen (14) feet, whichever is lower, and excludes any area of the Street Wall serving as access to off-street loading berths or accessory off-street parking.

(a) Display Window Area Transparency. That portion of the Display Window Area required by this Section 54-19.2(a) to be transparent glazing shall not be obstructed more than thirty percent (30%) by signs on or behind such glazing.

(i) For Retail Uses, Restaurant Uses, Service Uses, and Trade Uses, at least sixty percent (60%) of the Display Window Area shall be glazed and transparent. Sill heights for windows in the Display Window Area shall be no higher than two (2) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.

(ii) For Office Uses and Entertainment Uses, at least fifty percent (50%) of the Display Window Area shall be glazed and transparent. Sill heights for windows in the Display Window Area shall be no higher than three (3) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.

(iii) For Industrial Uses, and for Vehicular Uses involving the servicing or washing of vehicles, at least fifty percent (50%) of the Display Window Area shall be glazed so as to be transparent or translucent, provided that at least twenty-five percent (25%) of the Display Window Area shall be transparent. Sill heights for windows in the Display Window Area shall be no higher than three (3) feet above Grade, and the tops of such windows shall be no lower than eight (8) feet above Grade.

(b) Display Window Area Usage. For Retail Uses, Service Uses, Office Uses, and Trade Uses, there shall be, to a depth of at least two (2) feet behind the Display Window Area: (i) an area for the display of goods and services available for purchase on the premises; or (ii) an area for exhibits and announcements; provided, however, that no such areas shall be required for a display window that provides pedestrians with a view of the Retail Uses, Service Uses, Office Uses, or Trade Uses conducted on the premises.

(c) Display Window Security Grates. That portion of the Display Window Area required by Section 54-19.2(a) to be transparent glazing shall not be obstructed by a solid opaque security grate. Security grates that provide pedestrians with a view through the display window, such as grill-type security grates, may be used. Security grates should be

integrated into the design of the storefront. Wherever practicable, security grates should be mounted inside the building, rather than outside, and if a security grate must be mounted on the outside of the building, the box or other housing for such grate should be concealed in an appropriate manner.

MISCELLANEOUS PROVISIONS

SECTION 54-20. **Sign Regulations**. In the North End Neighborhood District, there shall not be any Sign except as provided in Article 11 (Signs), Section 54-17 (Design Review), and this Section 54-20.

1. Sign Regulations Applicable in Multifamily Residential Subdistricts and Open Space Subdistricts. In all Multifamily Residential Subdistricts and Open Space Subdistricts, there shall not be any Sign except as provided in Article 11 for Signs in residential districts.

2. Sign Regulations Applicable in Multifamily Residential/Local Services Subdistricts and Neighborhood Business Subdistricts. In the Multifamily Residential/Local Services Subdistricts and the Neighborhood Business Subdistricts, there shall not be any Sign except as provided in Article 11 for Signs outside residential districts and as provided in this Section 54-20. Notwithstanding any provision of Section 11-2 to the contrary, the following regulations shall apply:

   (a) Signs Parallel to Building Wall. For Signs parallel to a Building wall, including Signs painted on or affixed to awnings, canopies, marquees, security grate housings, or other Building projections, but not including Signs on windows above the first floor, free-standing Signs, directional Signs, and public purpose Signs listed in items (g) through (k) of Section 11-1, the total Sign Area, in square feet, shall not exceed the lesser of the Sign Frontage multiplied by two (2), or forty-

five (45) square feet. No such Sign shall measure more than thirty (30) inches from top to bottom. No part of any such Sign shall be located less than two (2) feet from the edge of the Building wall to which such Sign is parallel, provided that, if the Sign Frontage is shorter than the length of such Building wall, no part of any such Sign shall be located less than two (2) feet from either end of that portion of such Building wall that is used to measure the Sign Frontage.

The bottom of any such Sign should be at least eight (8) feet above Grade. Where the Building wall includes a Sign band, Signs parallel to such wall should be located within such band whenever practicable.

(b) Signs Attached at Right Angles to Building. A Sign attached at right angles to a Building shall not have a Sign Area in excess of four (4) square feet on either face; except that an additional four (4) square feet on each face is allowed for a Sign that incorporates a public service message device, such as a time and temperature Sign, provided such public service message device operates no less than seventy-five percent (75%) of every hour.

(c) Free-standing Signs. Free-standing Signs shall be permitted only for Gasoline Stations. Where such free-standing Signs are permitted, there shall be only one (1) free-standing Sign on a Lot. Such free-

standing Sign shall not have a Sign Area in excess of fifteen (15) square feet. The bottom of such Sign shall not be higher than ten (10) feet above Grade nor lower than eight (8) feet above Grade, and the top of such Sign shall not be higher than eighteen (18) feet above Grade.

(d) Billboards. Any billboard, signboard, or other advertising subject to the provisions of Section 11-6, except those in existence on the effective date of this Article, is forbidden in the North End Neighborhood District.

(e) Total Sign Area. The total Sign Area, in square feet, of all permanent Signs, except for signs on windows above the first floor, directional signs, and public purpose signs listed in items (g) through (k) of Section 11-1, shall not exceed the Sign Frontage multiplied by two (2).

(f) Display of Permit Number and Posting Date. Each permanent Sign shall display the Sign's building permit number clearly but unobtrusively, in letters and numbers not exceeding one (1) inch in height. Temporary signs shall display the date of posting.

SECTION 54-21. **Off-Street Parking and Loading Requirements**. For any Proposed Project that is subject to the provisions of Article 31, pursuant to Section 54-16 or by election, required off-street parking spaces and off-street loading facilities shall be determined through development review in accordance with the provisions of Article 31. For all other Proposed Projects, the minimum required off-street parking spaces are set forth in Table E, and the minimum required off-street loading facilities are set forth in Table F.

1. Restricted Parking District. In the North End Neighborhood District, which is a restricted parking district pursuant to Section 3-1A(c), off-street parking facilities, including parking lots, parking garages, and parking accessory or ancillary to any use other than a Residential Use, a Dormitory or Fraternity Use, or a Hotel Use, shall be conditional uses which may be granted only in conformance with the provisions of Section 6-3A as well as Sections 6-2, 6-3, and 6-4.

2. Outdoor Uses. For the purpose of computing required off-street parking spaces, where a main use on a Lot is an open-air use not enclosed in a Structure, the area of the part of the Lot actually devoted to such use shall constitute floor area.

3. Pre-Code Structures. If a Structure existing on the effective date of this Article is altered or extended so as to increase its Gross Floor Area or the number of Dwelling Units, only the additional Gross Floor Area or the

additional number of Dwelling Units shall be counted in computing the off-street parking facilities required.

4. Mixed Uses. If a Lot includes multiple uses, then the required number of off-street parking spaces for such Lot shall be the total of the required number of off-street parking spaces for each use, and the required number of off-street loading spaces for such Lot shall be the total of the required number of off-street loading spaces for each use.

5. Location.

(a) Off-Street parking and loading spaces shall not be located in any part of the Front Yards or Landscaped Areas required by this Article.

(b) Except in the case of a Lot serviced by a common parking facility, the off-street parking facilities required by this Section 54-21 shall be provided on the same Lot as the main use to which they are accessory; provided, however, that if the Board of Appeal shall be of the opinion that this is impractical with respect to a particular Lot, said Board, after public notice and hearing and subject to the provisions of Sections 6-2, 6-3, and 6-4, may grant permission for such facilities to be on another Lot in the same ownership in either of the following cases: (1) where the main use on a Lot is for Residential Uses, and the other Lot is within four hundred (400) feet of that Lot; and

(2) where the main use on a Lot is for non-residential uses, and the other Lot is within twelve hundred (1,200) feet of that Lot.

(c) After public notice and hearing and subject to the provisions of Sections 6-2, 6-3 and 6-4, the Board of Appeal may grant permission for a common parking facility cooperatively established and operated to service two or more uses of the same or different types; provided that there is a permanent allocation of the requisite number of spaces for each use, and that the total number of spaces is not less than the aggregate of the number of spaces required for each use, unless the Board of Appeal determines that a reduction in the total number of required off-street parking spaces is appropriate because shared parking arrangements, in which parking space are shared by different uses for which peak parking use periods are not coincident, will adequately meet the parking demand associated with the Proposed Project.

(d) The off-street parking spaces required by this Article for a Dwelling Unit should be used by the vehicles for which such parking spaces are required.

6. Design. All off-street parking facilities provided to comply with this Article shall meet the following specifications:

(a) Such facilities shall have car spaces to the number specified by this Article, maneuvering areas and appropriate means of vehicular access to a street, shall be so designed as not to constitute a nuisance or a hazard or unreasonable impediment to traffic, and shall be accessible to physically handicapped persons. All lighting shall be so arranged as to shine downward and away from streets and residences.

(b) Such facilities, whether open or enclosed in a structure, shall be so graded, surfaced, drained and maintained as to prevent water and dust therefrom from going upon any street or another Lot.

(c) Such facilities shall not be used for automobile sales, dead storage, or repair work, dismantling or servicing of any kind.

(d) Each car space shall be located entirely on the Lot. Fifty percent (50%) of the required spaces may be no less than seven (7) feet in width and eighteen (18) feet in length, and the remainder shall be no less than eight and one half (8-1/2) feet in width and twenty (20) feet in length, in both instances exclusive of maneuvering areas and access drives.

7. Maintenance. All off-street parking facilities provided to comply with this Article shall be maintained exclusively for the parking of motor vehicles so long as a use requiring them exists. Such facilities shall be used in such a manner as at no time to constitute a nuisance or a hazard or unreasonable impediment to traffic.

SECTION 54-22. **Application of Dimensional Requirements.**

1. Conformity with Existing Building Alignment. If at any time in the same Block as a Lot required by this Article to have a minimum Front Yard there exist two or more Buildings fronting on the same side of the same Street as such Lot, instead of the minimum Front Yard depth specified in this Article, the minimum Front Yard depth shall be in conformity with the Existing Building Alignment of the Block.

2. Traffic Visibility Across Corner. Whenever a minimum Front Yard is required and the Lot is a Corner Lot, no Structure or planting interfering with traffic visibility across the corner, or higher, in any event, than two and one-half (2-1/2) feet above the curb of the abutting Street, shall be maintained within that part of the required Front Yard which is within the triangular area formed by the abutting side lines of the intersecting Streets and a line joining points on such lines thirty (30) feet distant from their point of intersection.

3. Front Wall of Building Not Parallel to Front Lot Line. If the front wall of a Building is not parallel to the Front Lot Line, but the average distance between such wall and such Lot line is no less than the minimum Front Yard depth otherwise required by this Article, and the distance between such wall and such Lot line is at no point less than three fourths (3/4) of the minimum Front Yard depth so otherwise required, the Front Yard requirements of this Article shall be deemed to be met.

4. Special Provisions for Corner Lots. If a Lot abuts more than one Street, the requirements for Front Yards shall apply along every Street Line except as otherwise provided in this Section 54-22. The Front Yard requirements of this Article, and not the Side Yard requirements, shall apply to that part of a side Lot line that is also a Street Line extending more than one hundred (100) feet from the intersection of such line with another Street.

5. Side Wall of Building Not Parallel to Side Lot Line. If the side wall of a Building is not parallel to the side Lot line nearest to it, but the average distance between such wall and such Lot line is no less than the minimum Side Yard width otherwise required by this Article, and the distance between such wall and such Lot line is at no point less, in the case of a side Lot line that is not also a Street Line, than three-fourths (3/4) of the minimum Side Yard width so otherwise required, and in the case of a side Lot line that is also a Street Line, than one-half (1/2) of the minimum Side

Yard width so otherwise required, the Side Yard requirements of this Article shall be deemed to be met.

6. Side Yards of Certain Narrow Lots. For each full foot by which a Lot existing at the time this Article takes effect is narrower than (i) the minimum Lot Width specified for such Lot in this Article, or (ii) fifty (50) feet if no minimum Lot Width is so specified, a deduction of one and one-half (1-1/2) inches shall be made from the width otherwise required by this Article for each Side Yard of such Lot; provided that in no event shall either Side Yard of any such Lot in a Residential Subdistrict be less than five (5) feet wide, or in any other district less than six (6) feet wide. No Side Yard in which there is a driveway providing access to off-street parking, or off-street loading, facilities required by this Article shall be less than ten (10) feet wide.

7. Accessory Buildings in Rear Yards. Accessory Buildings may be erected in a Rear Yard; provided that no such Accessory Building is more than fifteen (15) feet in height or nearer than four (4) feet to any side Lot line.

8. Rear Wall of Building Not Parallel to Rear Lot Line. If the rear wall of a Building is not parallel to the Rear Lot Line, and the Rear Lot Line is not also a Street Line, but the average distance between such wall and such Lot Line is no less than the minimum Rear Yard depth otherwise required

by this Article, and the distance between such wall and such Lot line is at no point less than three-fourths (3/4) of the minimum Rear Yard depth so otherwise required, the Rear Yard requirements of this Article shall be deemed to be met.

9. Rear Yards of Through Lots. The Front Yard requirements of this Article, and not the Rear Yard requirements, shall apply to that part of a Rear Yard that is also a Street Line, except in the case of a Rear Yard that abuts a Street less than twenty (20) feet in width.

10. Rear Yards of Certain Shallow Lots. For each full foot by which a Lot existing at the time this Article takes effect is less than one hundred (100) feet deep, six (6) inches shall be deducted from the depth otherwise required by this Article for the Rear Yard of such Lot; provided that in no event shall the Rear Yard of any such Lot be less than ten (10) feet deep.

11. Underground Encroachments in Yards. Any garage or other accessory Structure erected underground within any Rear Yard or Side Yard required by this Article, including the piers, railings and parapets of such Structure, shall not extend more than five (5) feet above Grade.

12. Two or More Dwellings on Same Lot. Where a Dwelling (other than a temporary Dwelling) designed for occupancy or occupied by one or more

families is on the same Lot as, and to the side of, another Dwelling or other Main Building, the distance between such Dwelling and such other Dwelling or Main Building shall be not less than twice the minimum Side Yard depth required by this Article for such other Dwelling or Main Building; and the requirements of this Article with respect to Lot Area, Lot Width, Lot Frontage, Usable Open Space, Front Yard, Rear Yard, and Side Yards, shall apply as if such Dwelling were on a separate Lot. A Dwelling shall not be built to the rear of another Dwelling, Accessory Building, or Main Building. After public notice and hearing and subject to the provisions of Section 6-2, the Board of Appeal may grant permission for a variation from the requirements of this Section 54-22.12 if it finds that open space for all occupants, and light and air for all rooms designed for human occupancy, will not be less than would be provided if the requirements of this Section 54-22.12 were met.

13. Two or More Buildings on One Lot. If on one Lot there are two or more Main Buildings other than Dwellings, including temporary Dwellings, the yard requirements of this Article shall apply at each actual Lot line and not as if each Building were on a separate Lot.

SECTION 54-23. **Nonconformity as to Dimensional Requirements**. A Building or use existing on the effective date of this Article and not conforming to the applicable dimensional requirements specified in other provisions of this Article, may

nevertheless be altered or enlarged, provided that such nonconformity is not increased and that any enlargement itself conforms to such dimensional requirements.

SECTION 54-24. **Regulations**. The Boston Redevelopment Authority may promulgate regulations to administer this Article.

SECTION 54-25. **Severability**. The provisions of this Article are severable, and if any provision of this Article shall be held invalid by any decision of any court of competent jurisdiction, such decision shall not impair or otherwise affect any other provision of this Article.

SECTION 54-26. **Definitions**. Words and phrases in this Article have the meanings set forth in Article 2A.

SECTION 54-27. **Tables**. The following tables are hereby made part of this Article:

Tables A - B Use Regulations

A - Residential Subdistricts

B - Neighborhood Business Subdistricts

Tables C - D Dimensional Regulations

C - Residential Subdistricts

D - Neighborhood Business Subdistricts

Tables E - F Parking and Loading Regulations

E - Off-Street Parking

F - Off-Street Loading

TABLE A

North End Neighborhood District
Use Regulations
Residential Subdistricts

Key: A = Allowed, C = Conditional, F = Forbidden
For definitions of use categories and certain specific uses, see Article 2A.

	Multifamily Residential (MFR)	Multifamily Residential/Local Services (MFR/LS)	
		Bsmt. & First Story	Second Story & Above
Banking and Postal Uses			
Automatic teller machine	F	F	F
Bank	F	F	F
Drive-in bank	F	F	F
Post office	F	F	F
Community Uses			
Adult education center	A	A	A
Community center	A	A	A
Day care center	C	C	C
Day care center, elderly	C	C	C
Library	A	A	A
Place of worship; monastery; convent; parish house	A	A	A

TABLE A - Continued

	Multifamily Residential (MFR)	Multifamily Residential/Local Services (MFR/LS)	
		Bsmt. & First Story	Second Story & Above
Cultural Uses			
Art gallery	F	F	F
Art use	F	F	F
Auditorium	F	F	F
Cinema	F	F	F
Concert hall	F	F	F
Museum	F	F	F
Public art, display space	F	F	F
Studios, arts	F	F	F
Studios, production	F	F	F
Theatre	F	F	F
Ticket sales	F	F	F
Dormitory/Fraternity Uses			
Dormitory not accessory to a use	C	C	C
Fraternity	C	C	C
Educational Uses			
College or university	C	C	C
Elementary or secondary school[(1)]	C	C	C
Kindergarten	C	C	C
Professional school	C	C	C
Trade school	C	C	C

TABLE A - Continued

	Multifamily Residential (MFR)	Multifamily Residential/Local Services (MFR/LS)	
		Bsmt. & First Story	Second Story & Above
Entertainment and Recreational Uses			
Adult entertainment	F	F	F
Amusement game machines in commercial establishment	F	F	F
Amusement game machines in non-commercial establishment	F	F	F
Bar	F	F	F
Bar with live entertainment	F	F	F
Bowling alley	F	F	F
Billiard parlor	F	F	F
Dance hall	F	F	F
Drive-in theatre	F	F	F
Fitness center or gymnasium	C	C	C
Private club not serving alcohol	C	C	F
Private club serving alcohol	C	C	F
Restaurant with live entertainment, not operating after 10:30 p.m.	F	F	F
Restaurant with live entertainment, operating after 10:30 p.m.	F	F	F
Funerary Uses			
Cemetery	C	C	C
Columbarium	C	C	C
Crematory	C	C	C

TABLE A - Continued

	Multifamily Residential (MFR)	Multifamily Residential/Local Services (MFR/LS)	
		Bsmt. & First Story	Second Story & Above
Funerary Uses (cont'd)			
Funeral home	F	F	F
Mortuary chapel	C	C	C
Health Care Uses			
Clinic	C	C	C
Clinical laboratory			
Custodial care facility	F	F	F
Group care residence, general	C	C	C
Hospital	F	F	F
Nursing or convalescent home	C	C	C
Hotel and Conference Center Uses			
Bed and breakfast	A	A	A
Conference center	F	F	F
Executive suites	C	C	C
Hotel	F	F	F
Motel	F	F	F
Industrial Uses			
Artists' mixed-use	F	F	F
Cleaning plant	F	F	F
General manufacturing use	F	F	F

TABLE A - Continued

	Multifamily Residential (MFR)	Multifamily Residential/Local Services (MFR/LS)	
		Bsmt. & First Story	Second Story & Above
Industrial Uses (cont'd)			
Light manufacturing use	F	F	F
Printing plant	F	F	F
Restricted industrial use	F	F	F
Office Uses			
Agency or professional office	F	A	F
General office	F	C	F
Office of wholesale business	F	F	F
Open Space Uses			
Golf driving range	F	F	F
Grounds for sports, private	A	A	A
Open space	A	A	A
Open space recreational building	C	C	C
Outdoor place of recreation for profit	F	F	F
Stadium	F	F	F
Public Service Uses			
Automatic telephone exchange[1]	C	C	C
Courthouse[1]	C	C	C
Fire station[1]	A	A	A

TABLE A - Continued

	Multifamily Residential (MFR)	Multifamily Residential/Local Services (MFR/LS)	
		Bsmt. & First Story	Second Story & Above
Public Service Uses (cont'd)			
Penal institution	F	F	F
Police station[1]	A	A	A
Pumping station[1]	C	C	C
Recycling facility (excluding facilities handling toxic waste)	F	F	F
Solid waste transfer station	F	F	F
Sub-station[1]	F	F	F
Telephone exchange	F	F	F
Research and Development Uses			
Product development or prototype manufacturing	F	F	F
Research laboratory	F	F	F
Residential Uses[2]			
Congregate living complex	C	C	C
Elderly housing	A	A	A
Group residence, limited	A	A	A
Lodging house	C	C	C
Mobile home	F	F	F
Mobile home park	F	F	F
Multi-family dwelling	A	A	A

TABLE A - Continued

	Multifamily Residential (MFR)	Multifamily Residential/Local Services (MFR/LS)	
		Bsmt. & First Story	Second Story & Above
Residential Uses (cont'd)			
One family detached dwelling	A	A	A
One family semi-attached dwelling	A	A	A
Orphanage	A	A	A
Rowhouse	A	A	A
Temporary dwelling structure	C	C	C
Three family detached dwelling	A	A	A
Townhouse	A	A	A
Transitional housing or homeless shelter	A	A	A
Two family detached dwelling	A	A	A
Two family semi-attached dwelling	A	A	A
Restaurant Uses			
Drive-in restaurant	F	F	F
Restaurant	F	F	F
Take-out restaurant			
Small[3]	F	C	F
Large[3]	F	F	F
Retail Uses[4]			
Adult bookstore	F	F	F
Bakery	F	F	F
General retail business	F	F	F

TABLE A - Continued

	Multifamily Residential (MFR)	Multifamily Residential/Local Services (MFR/LS)	
		Bsmt. & First Story	Second Story & Above
Retail Uses			
Liquor store	F	F	F
Local retail business	F	A[5]	F
Outdoor sale of garden supplies	F	C	F
Service Uses[4]			
Animal hospital	F	F	F
Barber or beauty shop	F	A[5]	F
Caterer's establishment	F	C	F
Dry-cleaning shop	F	A[5]	F
Kennel	F	F	F
Laundry, retail service	F	F	F
Laundry, self-service	F	A[5]	F
Photocopying establishment	F	A[5]	F
Shoe repair	F	A[5]	F
Tailor shop	F	A[5]	F
Storage Uses, Major			
Enclosed storage of solid fuel or minerals	F	F	F
Outdoor storage of solid fuel or minerals	F	F	F
Outdoor storage of new materials	F	F	F
Outdoor storage of damaged or disabled vehicles	F	F	F
Outdoor storage of junk and scrap	F	F	F

TABLE A - Continued

	Multifamily Residential (MFR)	Multifamily Residential/Local Services (MFR/LS)	
		Bsmt. & First Story	Second Story & Above
Storage Uses, Major (cont'd)			
Storage of flammable liquids and gases			
Small[6]	F	F	F
Large[6]	F	F	F
Warehousing	F	F	F
Wrecking yard	F	F	F
Trade Uses[4]			
Carpenters shop	F	F	F
Electrician's shop	F	F	F
Machine shop	F	F	F
Photographer's studio	F	F	F
Plumber's shop	F	F	F
Radio/television repair	F	F	F
Upholsterer's shop	F	F	F
Welder's shop	F	F	F
Transportation Uses			
Airport	F	F	F
Bus terminal	F	F	F
Garage with dispatch	F	F	F
Helicopter landing facility	F	F	F
Motor freight terminal	F	F	F

TABLE A - Continued

	Multifamily Residential (MFR)	Multifamily Residential/Local Services (MFR/LS)	
		Bsmt. & First Story	Second Story & Above
Transportation Uses (cont'd)			
Rail freight terminal	F	F	F
Railroad passenger station	F	F	F
Water terminal	F	F	F
Vehicular Uses			
Bus servicing or storage	F	F	F
Carwash	F	F	F
Gasoline station	F	F	F
Indoor sale and installation of automotive parts	F	F	F
Indoor sale of automobiles and trucks	F	F	F
Outdoor sale of new and used vehicles	F	F	F
Parking garage	F	F	F
Parking lot	F	F	F
Rental agency for cars	F	F	F
Rental agency for trucks	F	F	F
Repair garage	F	F	F
Truck servicing or storage	F	F	F
Wholesale Uses			
Wholesale business	F	F	F

TABLE A - Continued

	Multifamily Residential (MFR)	Multifamily Residential/Local Services (MFR/LS)	
		Bsmt. & First Story	Second Story & Above
Accessory and Ancillary Uses			
In each subdistrict of the North End Neighborhood District, an accessory use ordinarily incident to a lawful main use is allowed, subject to the provisions of Article 10, unless such use is (i) specifically forbidden as a main use for such subdistrict in this Table A and (ii) not designated "A" or "C" for such subdistrict in the accessory use table below. In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.			
Accessory amusement game machines in (not more than four) commercial or non-commercial establishment	F	C	F
Accessory art use	C	C	F
Accessory automatic teller machine	F	F	F
Accessory bus servicing or storage	F	F	F
Accessory cafeteria	F	F	F
Accessory cultural uses	C	C	C
Accessory dormitory	F	F	F
Accessory drive-through restaurant	F	F	F
Accessory drive-through retail	F	F	F
Accessory family day care home	A	A	A
Accessory home occupation	A	A	A
Accessory industrial use	F	F	F
Accessory keeping of animals other than laboratory animals	C	C	C
Accessory keeping of laboratory animals	C	C	C
Accessory machine shop	F	F	F
Accessory manufacture of products	F	F	F

TABLE A - Continued

	Multifamily Residential (MFR)	Multifamily Residential/Local Services (MFR/LS)	
		Bsmt. & First Story	Second Story & Above
Accessory and Ancillary Uses (cont'd)			
Accessory offices	F	F	F
Accessory outdoor cafe	F	C	F
Accessory parking	A	A	A
Accessory personnel quarters	A	A	A
Accessory printing	F	F	F
Accessory professional office in a dwelling	A	A	A
Accessory railroad storage yard	F	F	F
Accessory repair garage	F	F	F
Accessory retail	F	F	F
Accessory recycling	F	F	F
Accessory services for apartment and hotel residents	A	A	A
Accessory services incidental to educational uses other than a college or university use	C	C	C
Accessory services uses	C	C	C
Accessory storage of flammable liquids and gases			
Small[6]	A	A	A
Large[6]	A	A	A
Accessory storage or transfer of toxic waste	F	F	F
Accessory swimming pool or tennis court[7]	A	A	F

TABLE A - Continued

	Multifamily Residential (MFR)	Multifamily Residential/Local Services (MFR/LS)	
		Bsmt. & First Story	Second Story & Above
Accessory and Ancillary Uses (cont'd)			
Accessory trade uses	F	F	F
Accessory truck servicing or storage	F	F	F
Accessory wholesale business	F	F	F
Ancillary use[8]	C	C	C

1. Provided that, where such use is located in an area where residential uses are permitted: (1) the requirements of St. 1956, c. 665, s.2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, sub-station, or automatic telephone exchange, no storage building or yard is maintained in connection with such use.

2. Where designated "A" or "C," provided that Dwelling Units are forbidden in Basements.

3. Small: total gross floor area not exceeding one thousand (1,000) square feet per restaurant; Large: total gross floor area exceeding one thousand (1,000) square feet per restaurant.

4. Where a Retail, Service, or Trade Use is designated "A," it shall be forbidden if merchandise is sold or displayed out-of-doors, or if such establishment is open to the public after midnight or before 6:00 a.m.

5. Where designated "A," such use is conditional if its total gross floor area exceeds 2,500 square feet.

6. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.

7. Provided that such use is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.

8. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos, and safeguards as the use to which it is ancillary.

TABLE B

North End Neighborhood District
Use Regulations
Neighborhood Business Subdistricts

Key: A = Allowed, C = Conditional, F = Forbidden
For definitions of use categories and certain specific uses, see Article 2A.

	Neighborhood Shopping Subdistricts		Community Commercial Subdistricts	
	Basement & First Story	Second Story & Above	Basement & First Story	Second Story & Above
Banking and Postal Uses				
Automatic teller machine	C	C[(1)]	A	C
Bank	C	C[(1)]	C	C
Drive-in bank	F	F	F	F
Post office	C	C[(1)]	A	A[(2)]
Community Uses				
Adult education center	C	C	A	A
Community center	C	C	A	A
Day care center	C	C	A	A
Day care center, elderly	C	C	A	A
Library	C	C	A	A
Place of worship; monastery; convent; parish houses	A	A	A	A

TABLE B - Continued

	Neighborhood Shopping Subdistricts		Community Commercial Subdistricts	
	Basement & First Story	Second Story & Above	Basement & First Story	Second Story & Above
Cultural Uses				
Art gallery	C	F	A	A[(2)]
Art use	C	F	A	A[(2)]
Auditorium	C	F	C	C
Cinema	C	F	C	F
Concert hall	C	F	C	F
Museum	C	F	C	C
Public art, display space	C	F	A	C
Studios, arts	C	F	C	C
Studios, production	C	F	C	C
Theatre	C	F	C	C
Ticket sales	C	F	A	C
Dormitory/Fraternity Uses				
Dormitory not accessory to a use	C	C	C	C
Fraternity	C	C	C	C
Educational Uses				
College or university	C	C	C	C
Elementary or secondary school	C	C[(1)]	C	C[(1)]
Kindergarten	C	C	C	C
Professional school	C	C	C	C
Trade school	C	C	C	C

TABLE B - Continued

	Neighborhood Shopping Subdistricts		Community Commercial Subdistricts	
	Basement & First Story	Second Story & Above	Basement & First Story	Second Story & Above
Entertainment Uses				
Adult entertainment	F	F	F	F
Amusement game machines in commercial establishment	C	F	C	F
Amusement game machines in non-commercial establishment	C	F	C	F
Bar[3]	F	F	C	F
Bar with live entertainment[3]	F	F	C	F
Bowling alley	C	F	C	F
Billiard parlor	C	F	C	F
Dance hall	C	F	C	F
Drive-in theatre	F	F	F	F
Fitness center or gymnasium	C	C	C	C
Private club not serving alcohol	A	C	A	C
Private club serving alcohol	A	C	A	C
Restaurant with live entertainment, not operating after 10:30 p.m.	C	F	C	F
Restaurant with live entertainment, operating after 10:30 p.m.[3]	C	F	C	F
Funerary Uses				
Cemetery	F	F	F	F
Columbarium	F	F	F	F
Crematory	F	F	C	C
Funeral home	F	F	C	C
Mortuary chapel	F	F	C	C

TABLE B - Continued

	Neighborhood Shopping Subdistricts		Community Commercial Subdistricts	
	Basement & First Story	Second Story & Above	Basement & First Story	Second Story & Above
Health Care Uses				
Clinic	C	C	C	A
Clinical laboratory	C	C	C	A
Custodial care facility	F	F	F	F
Group care residence, general	C	C	C	A
Hospital	F	F	F	F
Nursing or convalescent home	C	C	C	A
Hotel and Conference Center Uses				
Bed and breakfast	F	C	C	A
Conference center	F	F	C	C
Executive suites	F	C	C	A
Hotel	F	F	C	C
Motel	F	F	C	C
Industrial Uses				
Artists' mixed-use	F	F	F	F
Cleaning plant	F	F	F	F
General manufacturing use	F	F	F	F
Light manufacturing use	F	F	F	F
Printing plant	F	F	F	F
Restricted industrial use	F	F	F	F

TABLE B - Continued

	Neighborhood Shopping Subdistricts		Community Commercial Subdistricts	
	Basement & First Story	Second Story & Above	Basement & First Story	Second Story & Above
Office Uses				
Agency or professional office	C	C[1]	C	A[2]
General office	C	C[1]	C	A[2]
Office of wholesale business	F	F	F	F
Open Space Uses				
Golf driving range	F	F	F	F
Grounds for sports, private	C	F	C	F
Open space	A	A	A	A
Open space recreational building	C	C	C	C
Outdoor place of recreation for profit	C	F	C	F
Stadium	F	F	F	F
Public Service Uses				
Automatic telephone exchange	C	C	C	C
Courthouse[4]	C	C	C	C
Fire station[4]	C	C	C	C
Penal institution[4]	F	F	F	F
Police station[4]	C	C	C	C
Pumping station	C	C	C	C
Recycling facility (excluding facilities handling toxic waste)	F	F	F	F

TABLE B - Continued

	Neighborhood Shopping Subdistricts		Community Commercial Subdistricts	
	Basement & First Story	Second Story & Above	Basement & First Story	Second Story & Above
Public Service Uses (cont'd)				
Solid waste transfer station	F	F	F	F
Sub-station[4]	C	C	C	C
Telephone exchange	C	C	C	C
Research and Development Uses[6]				
Product development or prototype manufacturing	F	F	F	F
Research laboratory	F	F	F	F
Residential Uses[5]				
Congregate living complex	C	A	C	A
Elderly housing	C	A	C	A
Group residence limited	C	A	C	A
Lodging house	C	A	C	A
Mobile home	F	F	F	F
Mobile home park	F	F	F	F
Multi-family dwelling	C	A	C	A
One family detached dwelling	C	A	C	A
One family semi-attached dwelling	C	A	C	A
Orphanage	C	A	C	A
Rowhouse	C	A	C	A
Temporary dwelling structure	C	C	C	C
Three family detached dwelling	C	A	C	A

TABLE B - Continued

	Neighborhood Shopping Subdistricts		Community Commercial Subdistricts	
	Basement & First Story	Second Story & Above	Basement & First Story	Second Story & Above
Residential Uses (cont'd)				
Townhouse	C	A	C	A
Transitional housing or homeless shelter	C	A	C	A
Two family detached dwelling	C	A	C	A
Two family semi-attached dwelling	C	A	C	A
Restaurant Uses				
Drive-in restaurant	F	F	F	F
Restaurant	C	F	C	F
Take-out restaurant				
Small[6]	C	F	C	F
Large[6]	F	F	F	F
Retail Uses[7]				
Adult bookstore	F	F	F	F
Bakery	C	F	A[8]	A[1]
General retail business	C	F	A	C[1]
Liquor store	C	F	C	F
Local retail business	A[8]	F	A	A[2]
Outdoor sale of garden supplies	C	F	A	F

TABLE B - Continued

	Neighborhood Shopping Subdistricts		Community Commercial Subdistricts	
	Basement & First Story	Second Story & Above	Basement & First Story	Second Story & Above
Service Uses[7]				
Animal hospital	C	F	C	C
Barber or beauty shop	A[8]	F	A	A[2]
Caterer's establishment	C	F	A	A[2]
Dry-cleaning shop	A[8]	F	A	A[2]
Kennel	C	F	C	C
Laundry, retail service	C	F	C	C
Laundry, self service	A[8]	F	A	A[2]
Photocopying establishment	A[8]	F	A	A[2]
Shoe repair	A[8]	F	A	A[2]
Tailor shop	A[8]	F	A	A[2]
Storage Uses, Major				
Enclosed storage of solid fuel or minerals	F	F	F	F
Outdoor storage of solid fuel or minerals	F	F	F	F
Outdoor storage of new materials	F	F	F	F
Outdoor storage of damaged or disabled vehicles	F	F	F	F
Outdoor storage of junk and scrap	F	F	F	F
Storage of flammable liquids and gases				
Small[9]	F	F	F	F
Large[9]	F	F	F	F
Warehousing	F	F	F	F
Wrecking yard	F	F	F	F

TABLE B - Continued

	Neighborhood Shopping Subdistricts		Community Commercial Subdistricts	
	Basement & First Story	Second Story & Above	Basement & First Story	Second Story & Above
Trade Uses[7]				
Carpenters shop	C	C	A	C
Electrician's shop	C	C	A	A[2]
Machine shop	C	C	A	C
Photographer's studio	C	C	A	A[2]
Plumber's shop	C	C	A	A[2]
Radio/television repair	C	C	A	A[2]
Upholsterer's shop	C	C	A	A[2]
Welder's shop	C	C	C	C
Transportation Uses				
Airport	F	F	F	F
Bus terminal	F	F	F	F
Garage with dispatch	F	F	F	F
Helicopter landing facility	F	F	F	F
Motor freight terminal	F	F	F	F
Rail freight terminal	F	F	F	F
Railroad passenger station	F	F	F	F
Water terminal	F	F	F	F
Vehicular Uses[10]				
Bus servicing or storage	F	F	F	F
Carwash	C	F	C	F
Gasoline station	C	F	C	F

TABLE B - Continued

	Neighborhood Shopping Subdistricts		Community Commercial Subdistricts	
	Basement & First Story	Second Story & Above	Basement & First Story	Second Story & Above
Vehicular Uses (cont'd)				
Indoor sale and installation of automotive parts	C	F	C	F
Indoor sale of automobiles and trucks	C	F	C	F
Outdoor sale of new and used vehicles	C	F	C	F
Parking garage	C	F	C	F
Parking lot	C	F	C	F
Rental agency for cars	C	F	C	F
Rental agency for trucks	C	F	C	F
Repair garage	F	F	C	C
Truck servicing or storage	C	F	C	F
Wholesale Uses				
Wholesale business	F	F	F	F
Accessory and Ancillary Uses				

In each subdistrict of the North End Neighborhood District, an accessory use ordinarily incident to a lawful main use is allowed, subject to the provisions of Article 10, unless such use is (i) specifically forbidden as a main use for such subdistrict in this Table B and (ii) not designated "A" or "C" for such subdistrict in the accessory use table below. In any event, an accessory use shall be subject to the same restrictions, conditions, limitations, provisos and safeguards as the use to which it is accessory.

Accessory amusement game machines in (not more than four) commercial or non-commercial establishment	A	C	A	C

TABLE B - Continued

	Neighborhood Shopping Subdistricts		Community Commercial Subdistricts	
	Basement & First Story	Second Story & Above	Basement & First Story	Second Story & Above
Accessory and Ancillary Uses (cont'd)				
Accessory art use	A	A	A	A
Accessory automatic teller machine	C	F	A	C
Accessory bus servicing or storage	F	F	F	F
Accessory cafeteria	C	C	C	C
Accessory cultural uses	C	C	C	C
Accessory dormitory	C	C	C	C
Accessory drive-through restaurant	F	F	F	F
Accessory drive-through retail	F	F	F	F
Accessory family day care home	A	A	A	A
Accessory home occupation	A	A	A	A
Accessory industrial use	F	F	F	F
Accessory keeping of animals other than laboratory animals	F	F	F	F
Accessory keeping of laboratory animals	F	F	F	F
Accessory machine shop	F	F	F	F
Accessory manufacture of products	F	F	F	F
Accessory offices	F	F	F	F
Accessory outdoor cafe	C	F	C	F
Accessory parking	A	A	A	A
Accessory personnel quarters	A	A	A	A
Accessory printing	C	F	C	C
Accessory professional office in a dwelling	A	A	A	A
Accessory railroad storage yard	F	F	F	F
Accessory repair garage	F	F	F	F
Accessory retail	A	C	A	A

TABLE B - Continued

	Neighborhood Shopping Subdistricts		Community Commercial Subdistricts	
	Basement & First Story	Second Story & Above	Basement & First Story	Second Story & Above
Accessory and Ancillary Uses (cont'd)				
Accessory recycling	F	F	F	F
Accessory services for apartment and hotel residents	A	A	A	A
Accessory services incidental to educational uses other than a college or university use	C	C	C	C
Accessory service uses	C	C	C	C
Accessory storage of flammable liquids and gases				
Small[9]	A	C	A	C
Large[9]	C	C	C	C
Accessory storage or transfer of toxic waste	F	F	F	F
Accessory swimming pool or tennis court[11]	A	A	A	A
Accessory trade use	C	C	A	C
Accessory truck servicing or storage	F	F	F	F
Accessory wholesale business	F	F	F	F
Ancillary use[12]	C	C	C	C

TABLE B - Continued

1. Except such use is forbidden on the third story and above.

2. Except such use is conditional on the third story and above in the Hanover Street Community Commercial Subdistrict.

3. Provided that, where such use is designated "C," any expansion of seating or standing capacity of such use is conditional, and where such use is designated "F," any expansion of seating or standing capacity of such use is forbidden.

4. Provided that, where such use is located in an area where residential uses are permitted: (1) the requirements of St. 1956, c. 665, s.2, where applicable, are met; (2) the use is essential to service in the residential area in which it is located; and (3) in the case of a pumping station, sub-station, or automatic telephone exchange, no storage building or yard is maintained in connection with such use.

5. Where designated "A" or "C," provided that Dwelling Units are forbidden in Basements.

6. Small: total gross floor area not exceeding 2,500 square feet per use. Large: total gross floor area exceeding 2,500 square feet per use.

7. Where a Retail, Service, or Trade Use is designated "A," such use is conditional if merchandise is sold or displayed out-of-doors, or if such establishment is open to the public after midnight or before 6:00 a.m.

8. Where designated "A," such use is conditional if its total gross floor area exceeds 2,500 square feet.

9. Small: storage of less than thirty thousand (30,000) gallons of flammable liquids or less than ten thousand (10,000) cubic feet of gases; Large: storage of thirty thousand (30,000) gallons or more of flammable liquids or ten thousand (10,000) cubic feet or more of gases.

10. Where any such use is designated "A," or "C," provided that all washing, painting, lubricating, and making of repairs is carried on inside a building; that such establishment is sufficiently sound insulated to confine all noise to the lot; that all flashing, fumes, gases, smoke and vapor are effectively confined to the lot; and that there is no outdoor storage of damaged, disabled or unregistered motor vehicles for a period of more than one month; otherwise forbidden.

11. Provided that it is more than four (4) feet from every lot line, and in the case of a swimming pool, that it is protected by a fence at least six (6) feet in height with a gate locked from the outside, and that if the pool is within ten (10) feet of a lot line, the fence is concealing to a height of at least six (6) feet.

12. Provided that any such use shall be subject to the same restrictions, conditions, limitations, provisos, and safeguards as the use to which it is ancillary.

TABLE C

North End Neighborhood District
Dimensional Regulations
Residential Subdistricts

Subdistrict	Lot Area, Minimum for Dwell. Unit(s) Specified (Sq.Ft.)	Additional Lot Area for Ea. Addit'l Dwell. Unit (Sq.Ft.)	Lot Width Minimum (Feet)	Lot Frontage Minimum (Feet)	Floor Area Ratio Maximum	Building Height[1] Maximum Stories	Feet	Usable Open Space[2] Minimum Sq. Ft. Per Dwelling Unit	Front Yard Minimum Depth (Feet)	Side Yard Minimum Width (Feet)	Rear Yard Minimum Depth (Feet)	Rear Yard Maximum Occupancy by Accessory Buildings (Percent)
MFR and MFR/LS												
Row House Building or Town House Building	none	none	none	none	3.0	-	55	100	none[3]	10[4]	12	25
Any Other Dwelling or Use	none	none	none	none	3.0	-	55	100	none[3]	10[4]	12	25

1. For the purpose of determining Building Height, the floor area of a dormer on a dwelling shall not be included in the floor area calculation for a half story; provided that such dormer is not wider than eight (8) feet and the ridge line of the dormer does not exceed the ridge line of an existing structure of which it is a part, or thirty-five (35) feet, whichever is less; and provided further that only the floor area of two such dormers shall not be included in the floor area calculation for a half story. However, the floor area of such dormers shall be included in Gross Floor Area of the dwelling. See Section 54-18 for additional Building Height and Roof Structure restrictions.

2. Applicable only to Residential Uses, and Dormitory/Fraternity Uses. In MFR and MFR/LS Subdistricts, all or part of the usable open space requirement may be met by suitably designed and accessible space on balconies of Main Buildings or on the roofs of wings of Main Buildings or on the roofs of Accessory Buildings.

3. See Section 54-19.1 (Street Wall Continuity). A bay window may protrude into a front yard.

4. Semi-attached dwellings, Town House Buildings, and Row House Buildings are required to have side yards only on sides that are not attached to another Dwelling.

TABLE D

North End Neighborhood District
Dimensional Regulations
Neighborhood Business Subdistricts

	Neighborhood Shopping Subdistricts	Community Commercial Subdistricts
Maximum Floor Area Ratio	3.0	3.0
Maximum Building Height (1)	55	55
Minimum Lot Size	none	none
Minimum Lot Area Per Dwelling Unit	none	none
Minimum Usable Open Space (Square Feet per Dwelling Unit) (2)	50	50
Minimum Lot Width	none	none
Minimum Lot Frontage	none	none
Minimum Front Yard (3)	none (4)	none (4)
Minimum Side Yard (5)	none	none
Minimum Rear Yard (6)	20	12

TABLE D

Footnotes:

1. See Section 54-18 for additional Building Height and Roof Structure restrictions.

2. In a Neighborhood Business Subdistrict, all or a portion of required usable open space may be met by suitably designed and accessible space on balconies of main buildings or on roofs of wings of main buildings, or on the roofs of accessory buildings.

3. In a required front yard in a Neighborhood Business Subdistrict, no plaza, terrace or public access to a basement (other than required by the State Building Code) shall be below the grade of the nearest sidewalk unless, after public notice and hearing and subject to the provisions of Article 6, the Board of Appeal grants a permit therefor.

   In a Neighborhood Business Subdistrict, every front yard required by this Article and Code shall be at grade level along every lot line on which such yard abuts.

4. See Section 54-19.1 (Street Wall Continuity).

5. In a Neighborhood Business Subdistrict, no side yard is required except in the case of a lot with a side lot line abutting a Residential Subdistrict, which shall have side yards as if it were in such abutting subdistrict. Every side yard so required that does not abut a street line shall, along every lot line on which such yard abuts, be at a level no higher than that of the lowest window sill of the lowest room designed for human occupancy or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.

6. In a Neighborhood Business Subdistrict, every rear yard required by this Article and Code that does not abut a street line shall, along every lot line on which such yard abuts, be at a level no higher than the level of the lowest window sill in the lowest room designed for human occupancy or so occupied, and relying upon natural light or natural ventilation from windows opening on such yard.

TABLE E

North End Neighborhood District
Off-Street Parking Requirements

Residential and Related Uses

Proposed Projects Under 50,000 Square Feet of Gross Floor Area(1),(2)

	Off Street Parking Requirement (space per dwelling unit)(2)
Dormitory/Fraternity Uses	0.5
Hotel and Conference Center Uses	0.7
Residential Uses	
Elderly Housing	0.5
Group Residence, Limited	0.5
Lodging House	0.5
Transitional Housing or Homeless Shelter	0.25
Other Residential Uses (3)	1.0

1. For Proposed Projects of 50,000 or more square feet of gross floor area, see Section 54-16.

2. Where a use is not divided into Dwelling Units:

   (a) if sleeping rooms have accommodations for not more than two (2) persons, each group of two (2) sleeping rooms shall constitute a Dwelling Unit;

   (b) if sleeping rooms have accommodations for more than two (2) persons, each group of four (4) beds shall constitute a Dwelling Unit.

3. For Dwelling Units qualifying as Affordable Housing, the off-street parking requirement for Proposed Projects under 50,000 square feet of gross floor area shall be 0.7 parking spaces per Dwelling Unit.

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TABLE F

North End Neighborhood District
Off-Street Loading Requirements

Proposed Project Under 50,000 Square Feet of Gross Floor Area(1)

Gross Floor Area	Required Off Street Loading Bays
0-15,000 square feet	0
15,001-24,999 square feet	1.0

1. For Proposed Projects of 50,000 or more square feet, see Section 54-16.

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